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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/520,686	03/07/2000	Bryan Hubbard	VLSI-3234	9095

24738 7590 12/13/2004

PHILIPS ELECTRONICS NORTH AMERICA CORPORATION
INTELLECTUAL PROPERTY & STANDARDS
1109 MCKAY DRIVE, M/S-41SJ
SAN JOSE, CA 95131

EXAMINER

WACHSMAN, HAL D

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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EXAMINER

ART UNIT	PAPER
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12072004

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Commissioner for Patents

Hal D Wachsman
Primary Examiner
Art Unit: 2857

1. The reply filed on 11-23-04 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

a) The reply filed 11-23-04 is improper under 37 C.F.R. 1.121 because changes were made to claims 2, 6 and 9, *without the appropriate markings* to show the changes made in the current amendment relative to the immediate prior version. The immediate prior version were the claims of the reply filed 8-10-04 **which contained amendments to claims 2, 6 and 9, which were not reflected in the currently submitted claims 2, 6 and 9.** For example, in the reply filed 8-10-04, originally dependent claims 6 and 9, were rewritten as independent claims, however the current reply shows claims 6 and 9 in their original dependent claim format and without the appropriate markings to show the changes made relative to the immediate prior version. Also, claim 2 in the reply filed 8-10-04 was amended to read "said at least one extrema" instead of "said extrema" however the claim 2 in the current reply is the original claim 2 without this previously made amendment as well as without the markings to show this change. Appropriate correction is required.

b) The reply filed 11-23-04 is also improper because the prior action was an **Ex Parte Quayle** action, in which prosecution on the merits was closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213 however changes were made to claims 2, 6 and 9, after prosecution on the merits was closed. The Examiner respectfully notes that the objections made under 37 C.F.R. 1.75(a) *were applicable only to claims 12-14* so it is clear that

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the changes made to claims 2, 6 and 9, in the reply filed 11-23-04 were not necessitated by the Examiner's objections under 37 C.F.R. 1.75(a). Appropriate correction is required.

2. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D Wachsman whose telephone number is 571-272-2225. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hal D Wachsman
Primary Examiner
Art Unit 2857

HW
December 7, 2004